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Hearings in the Supreme Court of the Korematsu and Endo cases.

1. Reliable information has been received that the time for argument allowed plaintiffs, Korematsu and Endo, in the Supreme Court will be combined and divided between Mr. Collins, Mr. James Purcell, who originally represented Miss Endo in the trial court, and Mr. Saburo Kido, counsel for the Japanese American League. The argument will be made that:

- a. (1) Executive Order 9066 is unconstitutional (App. Br. Endo pg. 10-12).
- (2) Executive Order 9066 and Public Law 503 were not intended to apply to the mass exclusion of citizens of Japanese ancestry (App. Br. Endo pg. 13-16).
- (3) The establishment of such large areas as W.D.C. has maintained from which citizens would be excluded was not justified.
- (4) There was no military necessity for the group exclusion order (App. Br. Endo pg. 36).

b. The court will be asked to apply this argument to both the Korematsu and Endo cases as the position of these counsel for Endo is that the relocation regulations to which Miss Endo is objecting are not valid because they are bottomed upon exclusion orders which from the beginning were invalid (App. Br. Endo pg. 52). It will be contended that there was no legal basis for the mass exclusion which resulted in Miss Endo being placed in a Relocation Center and certainly none with reference to Miss Endo whose loyalty record is without blemish (App. Br. Endo pg. 43-51).

- (1) From the above described position it will be argued on behalf of Endo that even if the exclusion orders were valid at the time of issuance they are not valid today (App. Br. pg. 64-66).
- (2) The Supreme Court was requested to put over the Korematsu case from its last calendar to the present calendar because counsel for Korematsu and Endo wished these cases to be heard together as their contention is that they both involve the common questions of the validity of Executive Order 9066 and the exclusion orders.

2. The briefs filed by Endo and by friends of the court on her behalf emphatically show that the attack on Endo's present detention very largely is one upon Executive Order 9066, the exclusion proclamations

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and orders of this headquarters, the authority delegated to M.R.A. by this headquarters, and the reasonableness of the Army's action. Illustrating how much the exclusion orders of this headquarters are involved in the Endo case, the appellant's brief cites in argument on this point that General Bonesteel granted exemption from exclusion orders to Shira-mizu (App. Br. Endo pg. 66). Further reference to these briefs substantiates the above statement.

a. App. Br. Endo pg. 10, 36, 67.

b. Brief of the Northern California Branch of the American Civil Liberties Union as Amicus Curiae in support of Appellant:

A History of Oppression pg. 3

The imprisonment program was inspired by Delitt's prejudice. The secrecy of his reasons indicates his prejudice pg. 28

His final report demonstrates his prejudice pg. 29-32

His public utterances prove his prejudice pg. 32-35

Neither evacuation nor detention was authorized by the President and Congress or by either.

Executive Order No. 9066. pg. 39-41

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